

Notice of Allowability

Application No.

09/577,909

Examiner

David E. England

Applicant(s)

HALL ET AL.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/27/2007.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DAVID WILEY
SUPERVISORY PATENT EXAMINER

DL

DETAILED ACTION

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: the closest prior art of record (Mantha et al., U.S. Patent No. 6,163,779) does not teach nor suggest in detail "method or system for automatically attaching a web page as a single file to an email note, the method comprising the steps of: in response to an attachment event, determining whether a selected file is a web page; in response to a determination that the selected file is a web page, determining whether the selected file includes at least one link to at least one resource file; and in response to a determination that the selected file includes at least one link to at least one resource file, packing the selected file and the at least one resource file into a single attachment file and attaching the attachment file to the email note," as taught by the Applicant (see Decision on Appeal and Claims 1-35 dated 07/23/2003; Specification as of 07/23/2003, pages 9 – 16; and Drawings dated 07/23/2003, Figures 2 – 4, of Applicant's enabling portions of the specification and drawings).

2. The Board of Patent Appeal as stated that Mantha does not teach the method or system as described above. The following reasons for Allowance below is taken directly from the written decision of the Board of Patent Appeal.

3. Each of independent claims 1, 10, 22, and 29 recites in some manner packing a selected file and at least one resource file into a single attachment file and then attaching this attachment file to an email note. Each of the noted independent claims is rejected as being anticipated by

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Mantha. As best expressed by the Examiner at page 13 of the Answer, the Examiner is of the view that a file directory (which is a type of file since it is self-contained) reads on the noted language of the independent claims on appeal of packing separate and distinct files into a single file. This view of the Examiner is derived from the teaching at column 13, lines 39 through 47 of Mantha which we reproduce here:

4. The file directory (for the copied pages (e.g. c:\user\copies\cl.htm,il.jpg, etc.)) is self-contained and needs no other files or system dependent information to view the copied page. As a result, the invention may be used with an e-mail application to simplify the transfer of the saved Web page. In particular, the user simply attaches a copy of the directory contents to the e-mail and all embedded files get transferred. This is a simple and efficient means of e-mailing a Web page. Thus, the Examiner apparently is of the view on the basis of this portion that the noted file directory is one directory or one file that is attached to an email note as claimed. The Patent Appeals Board does not agree with these views expressed by the Examiner.

5. As best shown in Figure 9 in Mantha, this reference saves a copy of the HTML based document (a web page) and each of its associated embedded objects, such as image files, sound files or video files, etc., on the client hard drive such as element 70 in Figure 9. As generally expressed in Appellants' initial arguments at pages 6 and 7 of the principal Brief on appeal, to the extent that Mantha at column 13 teaches that the local storage with a container directory may have packed or otherwise packaged selected files and their corresponding resource files as claimed all relating to a retrieved web page, the above quoted portion at column 13 of Mantha does not describe or suggest attaching the entire directory itself to an email note.

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6. The noted portion at column 13 of Mantha merely indicates the user's ability to attach a copy of the directory contents to an email and all embedded files to get transferred. Copying the contents of a directory including any attached embedded or related or associated documents therewith to an email note is not the same as the corresponding requirement of the claim of copying the directory itself and attaching it to the email note. It appears to us that the artisan would interpret this relatively brief teaching of email attachment in Mantha to the conventional approach of attaching each of the respective files separately to an email note, which is essentially part of the prior art approach according to Appellants' discussion of this in the earlier portions of the Specification as filed. Mantha's contribution in the art is that all required information of a given web page is collected or otherwise copied at one location within a local device for a user's convenience. In a corresponding manner, the brief discussion of Figure 9 of Mantha beginning at the bottom of column 9 of this reference is worthy of note as well. To the extent this teaching indicates that the Category page 45 of this figure is saved to a local storage 70 and includes a pointer 68 to a new page 62', activation of this pointer is said to pull this new page 62' and its linked contents, such as any embedded objects, off of the local storage device to retrieve the saved web page. There is no corresponding teaching that this category page, as a single attachment file, itself in turn may be attached to an email. Lastly, it is worthy of note as well that the only portion of Mantha that appears to relate to emailing any document is the noted discussion at column 13 of this reference.

7. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claim as well as for the further limitations set forth. Any comments considered necessary by applicant must be submitted no later than the payment of the

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issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Claims 1 – 35 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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